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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,398	12/05/2003	William M. Brandt	14012-071001/70-03-007	8841
26230	7590	03/18/2009	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			GERGISO, TECHANE	
			ART UNIT	PAPER NUMBER
			2437	
			NOTIFICATION DATE	DELIVERY MODE
			03/18/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/729,398	BRANDT, WILLIAM M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TECHANE J. GERGISO	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 December 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This is a Final Office Action in response to the applicant's application filed on December 02, 2008.
2. Claims 1-20 have been examined are pending.

### ***Response to Arguments***

3. Applicant's arguments filed on December 02, 2008 have been fully considered but they are not persuasive.

The applicant argues that "Nordman fails to teach generating a report for presentation to the individual when a third party requests access to information related to the consumer identifier and allowing the individual to then control whether this third party, that requested access, can access information related to the individual."

The examiner disagrees with the applicant's analysis and argument because Nordman teaches the alleged features as follows:

Generating a report for presentation to the individual when a third party requests access to information related to the consumer identifier discloses as:

[*Nordman: column 33:lines 63-67; column 34:lines 1-10*] "Regarding the Monitor-2 process (step 1410), the supervising authority receives **a request from a user to identify his/her user information** maintained at a receiving site and/or to **provide a status report on such information** at step 1412. At step 1414, the supervising authority **authenticates the identity of the user** to ensure that the object attempting to **obtain**

**information on particular user information** is entitled to do so. If not, the supervising authority terminates the process. Otherwise, at step 1416, the supervising authority accesses temporary asset storage at the receiving site to identify user information of the user and/or the status of such user information. The **status information** may for example include **the violation of any rights management rules, the expiration of access authority by the receiving party, the types of use of the user information** (e.g., to provide personalized service, etc.), access history, and so forth. At step 1418, the supervising authority **provides the identification information and/or status information to the user device that may display such information to the user.**"

The above section discloses that a status report is requested by the user and the report is generated and presented by the supervisor to the user. The report includes an individual consumer identifier (authenticated identity of the user) and the status report related to the user identity (consumer identifier) for any activity and violation.

Allowing the individual to then control whether this third party, that requested access, can access information related to the individual discloses as:

[*Nordman: column 34: lines 1-10*] "**Based on such status or the identification of the user information at a site, the user may request the supervising authority to delete, update or change the user information, to change the rights management rules, and so forth.**"

The above section discloses; based on the status report presented to the user (individual) the user requests the supervising authority or control whether the third part that requested access can

access information related to the individual (to delete, update or change the user information, to change the rights management rules, and so forth).

As discussed above, the alleged feature by the applicant is disclosed by Nordman and therefore, the applicant's analysis and argument are not persuasive to overcome the prior art in record to place the independent claims in condition for allowance including their corresponding dependent claims.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engberg (US Pub No.: 2003/0158960 A1) in view of Nordman et al. (hereinafter referred to as Nordman, US Pat. No.: 7, 340, 438 B2).

As per claim 1:

Engberg discloses a method for preventing identity theft in electronic communications, comprising the steps of:  
sequencing an encryption key transaction from a trusted service for generating for an individual a consumer identifier by performing the steps of:

(0228-0229; *Master key, Client keys, temporary keys;* [0260] *A Virtual Identity is a pseudonym for an individual created for a specific purpose. Using the Trusted Party (TP), an individual can assume use a VID to communicate, trade etc. anonymously and under full control of the process.* [0265] *TP--Trusted Party--is generally treated as one entity identified by a TP Token Identifier or the public key of TP (TP.Pu) that can be verified in official registers such as X500 or X509.* [0366] *Establish a CLIENTKey which is a general symmetric encryption key between TP and CLIENT.* [0401] *Secret key of VID (Cl.Vir.Pr) is known only to TP, as TP is backing the authenticity of VID to CLIENT.* [0400]- [0401]).

issuing to the individual a unique identifier from said trusted service; and

([0391] *Establish VID (CLIENT/COMPANY).* [0395] *CLIENT establishes an anonymous identity towards a relation under full CLIENT control.* [0401] *Secret key of VID (Cl.Vir.Pr) is known only to TP, as TP is backing the authenticity of VID to CLIENT.)*

permitting the individual to generate and maintain a consumer-defined sequence through said trusted service; and

([0404] *This invention works with a secret shared symmetric key SYMKEY to encrypt communication between CLIENT and COMPANY. In the following the SYMKEY is treated as if it is reused from session to session; however the SYMKEY can just as well be generated as part of establishing a session as a session specific encryption key which is saved together with communication encrypted by the public key of CLIENT (Cl.Pu).*  
[0405] *SYMKEY can be created without revealing this to TP.)*

allowing the individual to control access to commercially related use of said consumer identifier by third parties.

*([0475] When creating a virtual identity on behalf of CLIENT, TP creates a new set of signature keys (Cl.Vir.Pr and Cl.Vir.Pu). TP keeps the private key Cl.Vir.Pr which is not revealed to anyone else.)*

Engberg does not explicitly disclose generating a report for presentation to the individual when at least one of the third parties requests access to information related to the consumer identifier; and allowing the individual to control which of the third parties that requested access can access information related to the individual. Nordman in analogous art, however discloses generating a report when at least one of the third parties requests access to information related to the consumer identifier; and allowing the individual to control which of the third parties that requested access can access information related to the individual (column 3: lines 20-25; column 6: lines 35-48; column 7: lines 16-23; column 8: lines 40-51; column 33: lines 63-67; column 34: lines 1-19). Therefore, it could have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Engberg to include generating a report when at least one of the third parties requests access to information related to the consumer identifier; and allowing the individual to control which of the third parties that requested access can access information related to the individual. This modification could have been obvious because a person having ordinary skill in the art would have been motivated to managing user privacy of a user operating a user device such as a wireless device in a network environment and determine a context for interaction with a party; filtering user data, such as

personal assets, to be provided to the party based on the determined context; and transmitting the filtered user data to the party as suggested by (column 1: lines 53-67).

As per claim 2:

Engberg discloses a method, comprising the steps of verifying commercially related use of said consumer identifier, comprising the steps of:

initiating a verification process from a requesting business entity via a secure connection (0737; 0743);

comparing said consumer identifier with a pre-determined set of database records using said consumer-defined sequence in response to initiating said verification process (0489);

presenting a positive or negative confirmation to said requesting business, said business having registered with said trusted service (0491); and

confirming requested information relating to the individual via said secure connection, said requested information have been pre-authorized for presenting to said requesting business entity by the individual (0490).

As per claims 3 and 12:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of reporting to the individual the number of times at least one requesting business entity has initiated a verification process (0949-0952).

As per claim 4:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of confirming requested information relating to the individual including the individual's name, address, and photograph (90279; 0341-0342).

As per claim 5:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of confirming requested information relating to the individual including the individual's fingerprints (0338-0039; 0453).

As per claim 6:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the steps of storing said consumer identifier on a remote business database system and permitting the individual to modify said consumer identifier through a secure connection to a remote location (0694-0696).

As per claim 7:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of issuing to the individual a unique identifier from said trusted service according to a pre-determined set of business rules associated with a remote business database system (0270).

As per claim 8:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of allowing the individual to control commercial transactions using said consumer identifier (0552-0556).

As per claim 9:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of issuing to the individual a unique identifier from said trusted service, said unique identifier conveying in encrypted information relating to the individual's age and locale (0881; 0888).

As per claims 10 and 11:

Claims 10 and 11 are a system comprising instruction stored on a computer-readable medium for performing the steps of claims 1 and 2 respectively. Claims 10 and 11 are substantially similar to their corresponding method claims 1 and 2; and therefore, they are rejected with the same rationale given to reject claims 1 and 2 respectively.

As per claim 19 and 20:

Claims 19 and 20 are a computer readable storage medium comprising instruction stored on a computer-readable medium for performing the steps of claims 1 and 2 respectively. Claims 19 and 20 are substantially similar to their corresponding method claims 1 and 2; and therefore, they are rejected with the same rationale given to reject claims 1 and 2 respectively.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the notice of reference cited in form PTO-892 for additional prior art.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is (571) 273-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Techane J. Gergiso/

Examiner, Art Unit 2437

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437